

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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BRAINTREE LABORATORIES, INC.,)
Plaintiff,) Civil Action No 3:11-cv-01341
v.) (PGS) (LHG)
NOVEL LABORATORIES, INC.,)
Defendant.)
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(PGS)
[PROPOSED] FINAL JUDGMENT

NOW THEREFORE, IT IS ORDERED AND ADJUDGED for the reasons set forth in the Court's Opinion and Order dated June 4, 2013 (Dkt. Nos. 380, 381), and its prior Opinions and Orders dated January 18, 2013 (Dkt. Nos. 261, 262), February 1, 2013 (Telephone Conference), February 5, 2013 (Dkt. No. 332), February 6, 2013 (Trial Tr. 425:1-426:23), and February 8, 2013 (Trial Tr. 624:3-638:16), that Final Judgment is entered in favor of plaintiff Braintree Laboratories, Inc. ("Braintree") and against defendant Novel Laboratories, Inc. ("Novel") on Braintree's claims that Novel has infringed claims 15, 18, 19, 20, and 23 of U.S. Patent Number 6,946,149 ("the '149 Patent");

AND IT IS FURTHER ORDERED AND ADJUDGED that claims 15, 16, 18, 19, 20, and 23 of the '149 Patent are valid;

AND IT IS FURTHER ORDERED that, pursuant to 35 U.S.C. §271(e)(4)(A), the effective date of any approval of Novel's Abbreviated New Drug Application ("ANDA") No. 202511 by the United States Food and Drug Administration shall be a date which is not earlier than the expiration date of the '149 Patent, including any extension of the term of that patent or any exclusivity to which Braintree is or becomes entitled;

AND IT IS FURTHER ORDERED that, pursuant to 35 U.S.C. §271(e)(4)(B), Novel, its successors-in-interest, officers, agents, employees and attorneys, and those persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from commercially making, using, offering to sell, or selling within the United States, or importing into the United States, the product that is the subject of Novel's ANDA No. 202511, until the expiration date of the '149 Patent, including any extension of the term of that patent or any exclusivity to which Braintree is or becomes entitled.

Dated this 18 day of June, 2013


Peter G. Sheridan, United States District Judge